



Overview of CWA Section 319 The Nonpoint Source Program


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Definition of NPS Pollution

- Rainfall, snowmelt, or irrigation runs over land or through the ground, picks up pollutants, and deposits them into rivers, lakes, or the ocean or introduces them into ground water.



Oregon: Top Causes of Impairment

General Cause of Impairment Name	Causes of Impairment Reported	Percent of Reported
TEMPERATURE	330	61.79
PATHOGENS	144	9.57
OXYGEN DEFICIENCY	86	6.61
METALS (OTHER THAN MERCURY)	42	5.70
SILICOMENT	41	4.32
PH	41	2.79
ALGAL GROWTH	41	2.13
PESTICIDES	31	2.06
CAUSE UNKNOWN - BIOLOGICAL INTEGRITY	24	1.59
MERCURY	22	1.46
PCBS	8	.53
OTHER TOXIC ORGANICS	8	.40
TURBIDITY	4	.27
OTHER CAUSE	3	.27
AMMONIA	3	.20
NUTRIENTS	2	.20
CHLORINE	2	.13

Total Number of Causes of Impairment Reported: 1,505

Source: 2002 Section 303(d) List for Oregon, U.S. EPA

Causes of Impairment

Total Number of Causes of Impairment Reported: 2,306

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Causes of Impairment

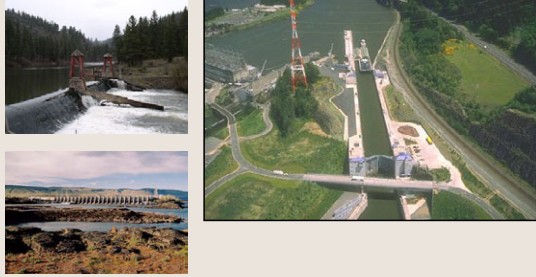
Total Number of Causes of Impairment Reported: 2,243

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Pollution

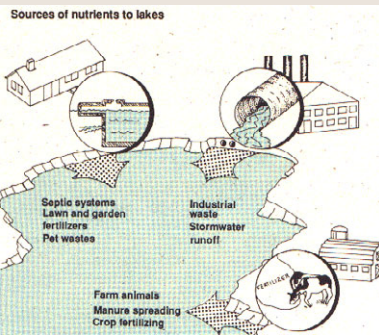
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Temperature: Major Sources



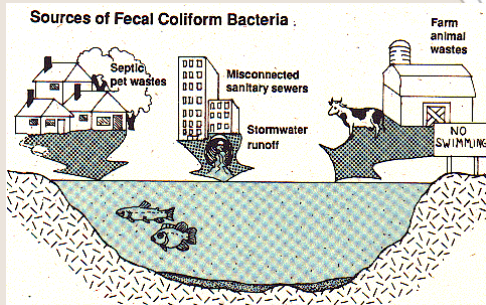
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Nitrogen - Major Sources



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Pathogens - Major Sources



Sediment - Major Sources



Provisions in the Clean Water Act to Address NPS Pollution

- Added to the Clean Water Act in 1987
- Section 319
 - Provides grants to states, territories, and Tribes to address the problems caused by NPS pollution
- Section 518
 - Authorizes EPA to treat federally recognized Indian Tribes in the same manner as states and extend grants funded through Section 319

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Some Interesting Section 319 Program Facts

- From 1997 to 2006, Tribes eligible to participate have increased from 11 to 114 (all Regions except 3 & 7)
- Tribes eligible to participate represent about 75 percent of all tribal land, approximately 40 million acres



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Congressionally Authorized

Funding Section 319 (h)

- Section 518 originally set a funding cap on Section 319 funds awarded to Tribes of 1/3 of 1 percent of available 319 funding.
- Congress increased funding for the Tribal NPS Program from \$3.3 million FY 1997 to \$6 million in FY 2001, 2002, and 2003.

Recent Funding

- In FY 2004, 2005 and 2006, Congress increased 319(h) funding to Tribes to \$7 million.
- EPA holds \$7 million steady even as the total Section 319 budget has been reduced in 2005 and 2006
- EPA hopes to hold it steady again in 2007

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Section 319 Funding for Tribal Programs

- 1) Base grant
 - \$30,000 for Tribes with 1,000 square miles or less
 - \$50, 000 for Tribes with more than 1,000 square miles
 - 2) Competitive grants
 - \$150,000 to implement on-the-ground water quality improvement projects
- 40% non-federal match.
→ 10% if demonstrate financial hardship.
→ 5% if PPG

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Base Funding in FY2006

- 95 Tribes received ~\$3.15 million in base funding in FY06 (up from 84 Tribes in FY05)
- Regional Breakdown:

R1 – 3	R6 – 2
R2 – 1	R8 – 13
R4 – 2	R9 – 51
R5 – 3	R10 – 20

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Competitive Funding in FY2006

- 28 Tribes nationally awarded ~ \$3.4 million

Region 10

Jamestown S'Klallam	\$149,996
Makah	\$134,928
Nez Perce	\$146,100
Spokane	\$150,000
Tulalip	\$150,000
Umatilla	\$150,000
Upper Skagit	\$150,000

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How To Become Eligible for Section 319 Funding



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CWA Section 319 Program Requirements

Tribe must have approved by Region:

- NPS Assessment Report
- NPS Management Plan
- Documentation of Tribal Eligibility
 - (Treatment as State – TAS Status as of October 13, 2006, and Financial Assistance Eligibility - FAE)

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NPS Assessment Report

- Describe existing and potential NPS-related water quality problems on tribal lands using water quality data
- Identify the nature, extent, causes, and effects on NPS pollution
- Describe existing programs and methods needed for controlling the pollution

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NPS Management Plan

- A multiyear strategy document designed to bring NPS pollution under control
- Describes how the tribe intends to correct or prevent potential NPS problems identified in the Assessment Report
- Identifies reservation-wide and watershed- level projects to implement management practices for pollution prevention

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Documenting Tribal Eligibility

- Demonstrate that the Tribes is federally recognized (TAS)
- Demonstrate substantial government duties and legal authority or jurisdiction
- Demonstrate the Tribe's "capability" to carry out the activities proposed in the grant application

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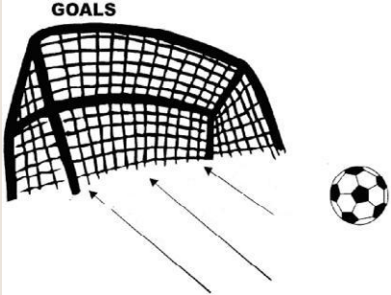
Confederated Tribes of the Colville Reservation	(09/27/1991)
Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians	(01/07/2004)
Confederated Tribes of Warm Springs	(10/14/2005)
Confederation Tribes of the Umatilla Indian Reservation	(09/09/1994)
Coquille Indian Tribe	(10/14/2005)
Jamestown S'Klallam Tribe	(03/14/2000)
Kalispel Tribe of Indians	(03/14/2000)
Klamath Tribes	(10/14/2004)
Lummi Nation	(01/25/2002)
Makah Tribe	(10/14/2005)
Nez Perce Tribe	(03/14/2000)
Nooksack Indian Tribe	(01/07/2004)
Quinalt Indian Nation	(01/26/2001)
Samish Indian Nation	(01/07/2005)
Sauk-Suiattle Indian Tribe	(01/07/2004)
Shoalwater Bay Indian Tribe	(02/05/2003)
Spokane Tribe	(01/04/2005)
Squaxin Island Tribe	(03/14/2000)
Swinomish Indian Tribal Community	(01/26/2001)
Tulalip Tribes	(01/04/2005)
Upper Skagit Indian Tribe	(01/25/2002)

What's The Purpose of Section 319 Funding?



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To Meet Section 319 (or NPS) Program Goals (....OF COURSE!)

GOALS


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NPS Program Goal

The primary goal of the NPS management program is to **control NPS pollution** through implementation of management measures and practices to reduce pollutant loadings resulting from each category or subcategory of nonpoint sources identified in the Tribe's NPS assessment report developed pursuant to section 319(a).

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But What's The Strategy?



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Take A Watershed Approach

- A rational, geographically based, science-based approach to getting water quality improvement
- Not just isolated projects
- Big picture approach
- Encompasses all potential sources
- Encompasses cumulative impacts



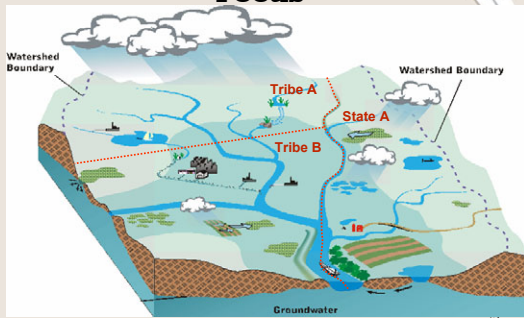
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Defining a Watershed Approach

A coordinating framework for environmental management that focuses on using **sound science and data** to identify and prioritize water quality problems and **building partnerships** to address the highest priority problems within **hydrologically-defined geographic areas**, taking into consideration both ground and surface water flow.

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Hydrology-based Geographic Focus

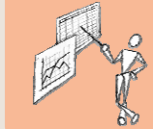


Building Partnerships to Achieve Results

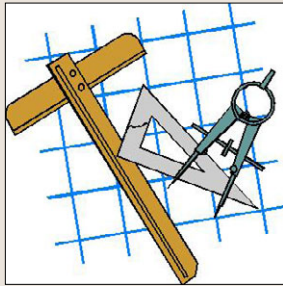


Sound Science

- Assess the nature and source of NPS problems (identify stressors and sources)
- Water quality targets/goals (to evaluate and measure results)
- Develop specific management options to address the problem (link BMPs to problems)
- Evaluate and revise if necessary (adaptive management)



Getting Down to Business: Putting into Practice a Watershed- based Approach



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9 Components of a Watershed- based Plan

- 1) Identify stressors & sources to be controlled
- 2) Estimate water quality goals expected from BMPs
- 3) Describe management measures & targeted critical areas
- 4) Estimate TA, \$\$, & source required for implementation
- 5) Describe info & education needed to promote BMPs
- 6) Develop schedule for implementation of BMPs, assign tasks
- 7) Describe interim, measurable milestones
- 8) Identify criteria to measure progress
- 9) Develop monitoring component

2006 Guidelines for Awarding Section 319 Grants to Tribes. 33
www.epa.gov/owow/nps/tribal.html

**Watershed-based
Other Work
Plans**

- Strategic Plan for long-term success
- Foundation for preparing annual work plans

vs.

Plans

- Specific “to-do lists” to achieve vision set in watershed-based plan
- Plan for implementing specific portions of the watershed-based plan

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**Integrating Watershed-based
Planning into Tribal Programs**

- Build from existing plans
 - *Assessment Reports
 - *NPS Management Plans
 - *Other plans (EPA or other related)
- Added flexibility for Tribes
 - *Water quality-based goals
 - *Reference existing information

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**EPA Assistance for
Implementing the
Watershed Approach**

- NPS workshops
- Competitive grant funds
- Watershed Planning Handbook

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What Can 319 Funding Pay For?



luxury yacht: no
CLEAN WATER: YES

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Base Funding - Eligible Activities

Range of activities that implement the Tribe's approved NPS management program:

- Hiring a program coordinator
- NPS education programs
- Training and authorized travel to attend training
- Updating NPS management program
- Developing watershed-based plans
- Implementing watershed-based plans (on-the-ground projects)

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CWA Section 319 Funded Activities

- Implementation of Tribal NPS Management Programs
- Implementation of management measures / best management practices in priority watersheds
- Local coordination and planning of watershed projects

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CWA Section 319 Funded Activities

- Information and education outreach
- Post project water quality monitoring for NPS assessments and watershed projects to measure environmental results
- Watershed-Based Plans development and implementation

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CWA Section 319 Funded Activities

- **Watershed-based Plan**
 - Develop a watershed-based plan (up to 20% of Competitive Grants)
 - Implement a watershed project...
from an existing watershed-based plan
 - Implement other watershed project...
that is a significant step towards solving NPS impairments or threats on a watershed-wide basis

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Features of FY06 Watershed Projects

- Watershed-based plan development (>half)
- Strong partnerships
- Leveraging other funding
- Specific, measurable goals
- Watershed-wide efforts vs. individual demonstration projects

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NPS Program Funding Schedule

Date for Tribes to be eligible for 319 grants	October 13, 2006 (FIRM)
Tribes submit base grant proposed workplans and competitive proposals to Region	December 2006 (anticipated)
Tribes submit final grant applications to Region	April 2007 (anticipated)

Please check the Federal Register notice for actual dates

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Example of a Tribe Using Section 319 Funding

- Here is an example of what one Tribe is accomplishing with 319 funds
- The Tribe has developed or is in the process of completing a watershed plan to guide long-term efforts.
- It is also interesting to see the specific quantitative goals for each of these watershed projects

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Upper Skagit Indian Tribe

- NW Washington State – Sedro-Woolley, Skagit Co.
- Historic farming and livestock grazing impacts - decreased riparian vegetation and wetland habitat
- Impaired waters flow through reservation - tributaries to impaired Skagit River (flows into Puget Sound)
 - Red Creek (listed for temperature)
 - Hansen Creek (listed for temperature and fecal coliform)
 - Skagit River (listed for temperature and fecal coliform)
- High priority watershed supporting all 5 salmonid species

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Upper Skagit - FY06 Watershed Project

- Fifth 319 grant supporting projects throughout the watershed since 2002
- FY06 project focus – restoring riparian and in-stream habitat
- Implementing activities set forth in a watershed management plan (adopted by county to achieve TMDLs for temperature and fecal coliform)
- Combined funding with Skagit County and WA State Centennial Clean Water Funding (~\$500K)

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Upper Skagit - FY06 Watershed Project

Specific activities include:

- *Re-establish 2,600 lineal feet of stream channel
- *Restore 10 acres of floodplain and wetland habitat
- *Remove 25,000 yrd³ of invasive Reed-canary grass
- *Placement of 360 yrd³ of stream bed gravels
- *Placement of 67 pieces of LWD to restore natural stream processes
- *Install 51,000 native plants in the riparian, floodplain, and wetlands
- *Eliminate fish passage barrier

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Upper Skagit - FY06 Watershed Project

- County also implementing monitoring program in support of TMDL work
- Specific monitoring parameters and targets include:
 - Fecal coliform reduction target of <50CFUs/100mL geometric mean within 5 years
 - Temperature reduction target of 10C, <16C 7 day average max within 10 years
 - Target of 20% increase in both juvenile and adult fish recruitment within 5 years

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